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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WEIMING CHEN,

Plaintiff,

v.

YING-JEOU MA, The President of the Republic
of China, Taiwan (ROC), and HSI-LUNG LEE,
The Chief of the Bureau of Civil Affairs,
Government of Kinmen County, John Does &
Mary Roes,

Defendants.

Case No.: 12-05232 (NRB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed declaration of Deborah B. Koplovitz, Esq. dated January 25, 2013, and the exhibits attached thereto, and upon the accompanying Memorandum of Law dated January 25, 2013, and upon the pleadings herein, Defendants Ying-jeou Ma, The President of the Republic of China (Taiwan) and Hsi-lung Lee, The Chief of the Bureau of Civil Affairs, Government of Kinmen County, will move this Court, before the Honorable Naomi Reice Buchwald at the United States District Courthouse, located at 500 Pearl Street, Room 21A New York, New York, 10007, on February 22, 2013 or as soon thereafter as the motion can be heard, for an order:

- setting aside the Clerk's notation of default, dated and filed December 13, 2012, pursuant to Federal Rule of Civil Procedure 55(c) for "good cause"; and

- after granting said relief, dismissing the Complaint in its entirety pursuant to Federal Rule of Civil Procedure, Rules 12(b)(2), 12(b)(5), 12(b)(6), and 12(b)(7) due to Defendants' immunity from the jurisdiction of this Court, President Ma's immunity from service of process, Plaintiff's insufficient evidence that either President Ma or Chief Lee were served with valid process, Plaintiff's lack of standing to sue, the lack of privity between Plaintiff and Defendants as neither the Plaintiff nor the Defendants are parties to the contract at issue, failure to state a claim of any actionable breach of contract, tortious interference with contract, nor any civil conspiracy under New York State law; and failure to join a proper party under Federal Rule of Civil Procedure 19; and
- for such other and further relief as this Court deems just, proper, and equitable.

Dated: New York, New York
January 25, 2013

ROSEN LIVINGSTON & CHOLST LLP

By: /s/ Deborah B. Koplovitz
Deborah B. Koplovitz, Esq.
Peter I. Livingston, Esq.

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